IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 32 OF 2005

Sharad Motiram Mhatre. ... Appellant.
Versus.
Bombay Municipal Corporation for
Greater Bombay. ... Respondents.

Shri R.S.Yadav for the Appellant.
Shri J.Xavier for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 25th January, 2005.

P.C.:

1. The learned Advocate for the Appellant states that the Appellant desires to withdraw the suit unconditionally as the Appellant wants to apply for regularisation of the suit structure. The Affidavit filed by the Appellant to that effect is taken on record and marked "X" for identification. He prayed that for a limited period the structure may be protected so that Application for regularisation can be considered. Considering the facts of the case, the request deserves to be granted.

2. In view of this the following order is passed:

(i) L.C.Suit No.4007 of 2002 stands dismissed as withdrawn with no order as to costs. The trial Court will pass a formal order in that behalf on production of authenticated copy of this order.

(ii) If the Appellant makes an application for regularisation in prescribed form to the Executive Engineer, Building Proposals, through a licenced Architect within 8 weeks from today, the concerned authority/department will decide the Application within a period of 8 weeks from the date of submission of the application. The order to be communicated to the Appellant within a period of one week from the date of decision.

(iii) For a period of 20 weeks from today, the Respondent-Corporation will not take any steps for demolition of the suit structure. The Appellant is also directed not to create any third party interests and not to part with possession of the suit structure. It is made clear that the order directing the Respondents not to demolish the suit structure will operate only if the Application for regularisation as aforesaid is made within the period of 8 weeks from today.

(iv) The parties to act on authenticated copy of this order.

Judge.